

UNITED STATES NAVY-MARINE CORPS
COURT OF CRIMINAL APPEALS
WASHINGTON, D.C.

Before
J.R. PERLAK, R.G. KELLY, J.P. LISIECKI
Appellate Military Judges

UNITED STATES OF AMERICA

v.

CLAYTON P. SMITH
LANCE CORPORAL (E-3), U.S. MARINE CORPS

NMCCA 201200496
SPECIAL COURT-MARTIAL

Sentence Adjudged: 27 July 2012.

Military Judge: Maj Yong Lee, USMC.

Convening Authority: Commanding Officer, Headquarters Group
(Force Generation Element), II Marine Expeditionary Force, Camp
Lejeune, NC.

Staff Judge Advocate's Recommendation: LtCol J.W. Hitesman,
USMC.

For Appellant: CAPT Brent G. Filbert, JAGC, USN.

For Appellee: Mr. Brian K. Keller, Esq.

9 April 2013

OPINION OF THE COURT

After careful consideration of the record, submitted without assignment of error, we affirm the findings and sentence as approved by the convening authority. Art. 66(c), Uniform Code of Military Justice, 10 U.S.C. § 866(c).¹

For the Court

R.H. TROIDL
Clerk of Court

¹ To the extent that the convening authority's action purported to execute the bad-conduct discharge, it was a nullity. *United States v. Bailey*, 68 M.J. 409 (C.A.A.F. 2009).